

Tuesday, 8 October 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

On

Paper No. 451 - Application on behalf
of the Prosecution under Rule 6(b)(1) per-
taining to IPS Document Nos. 2604-A,
2605-A and ten others.

Paper No. 458 - Application of the
Prosecution for a subpoena duces tecum
be issued directed to Legal Section, SCAP,
to turn over to the Clerk of this Tribunal,
certain trial records in the YAMASHITA and
HOMMA cases.

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Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

Julian Wolf
Official Court Reporter
IMTFE

Appearances:

For the Prosecution Section:

MR. SOLIS HORWITZ

MR. PEDRO LOPEZ

MR. JOSEPH F. ENGLISH

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel for
the Accused KIDO, Koichi.

MR. GEORGE A. FURNESS, Counsel for
the Accused SHIGEMITSU, Mamoru.

For the Office of the General Secretary, IMTFE:

EDWARD H. DELL, Judge,
Legal Adviser to the Secretariat.

MR. CHARLES A. MANTZ, Clerk of the Court.

The proceeding was begun at 0900.

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THE PRESIDENT: The first application is under Rule 6(b)(1). It is by the prosecution in respect of a number of documents.

What is the position of the defense?

MR. LOGAN: That is paper No. 451, Judge?

THE PRESIDENT: Yes.

MR. LOGAN: With respect to document 2604-A and 2605-A, no objection; document 1756-G and 1756-H, no objection; 488-C, no objection; 1795-B, no objection; 1622-B: With respect to this, your Honor, that book is not in the clerk's office, but I understand from counsel that the excerpts intended to be used in this document are the same as those which were used by the -- which are to be used by the Russian prosecution and that we made no objection at that time; so without looking at the document we accept counsel's word. No objection to that.

1356-A, no objection; 628, no objection; 1412-A, no objection; 2568, no objection; and 1555-I, no objection.

THE PRESIDENT: The order will be as prayed.

The second application, No. 458 by the prosecution, is for the issuance of a subpoena to the Legal

Section of SCAP to turn over to the clerk of this Tribunal all the trial records in the YAMASHITA and HOMMA cases.

A subpoena is all you want to issue? You are not asking me to deal with the extent to which you might use the material?

MR. HORWITZ: No; that can only be done after we get the records.

THE PRESIDENT: Yes.

This looks like a matter of form, Mr. Logan.

MR. LOGAN: Yes.

THE PRESIDENT: The order will be as prayed.

Have you got any matter, Mr. Furness?

MR. FURNESS: No, sir.

(Whereupon, at 0902, the proceeding was concluded.)